IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4750 OF 2001

Kum. Archana Shriram Gaikwad ... Petitioner

Vs.

State of Maharashtra & Ors. ... Respondents

Mr. R.K. Mendadkar for the petitioner.

Ms. Vaidehi Mhaispurkar, A.G.P. for respondents 1 to 4.

Mr. M.V. Limaye with Mr. R.S. Apte for respondent 5.

CORAM : SMT. RANJANA DESAI &
D.B. BHOSALE, JJ.

DATED : 20TH JANUARY, 2006.

P.C.:-

1. Heard the learned counsel for the parties.

2. Mr. Mendadkar, the learned counsel for the petitioner states that he has instructions from the petitioner not to press the present petition on merits and his client has instructed him further to state that she would be content if her admission in respondent 5 college for M.B.B.S. Course is protected. He further states that the petitioner undertakes that she would not claim any benefit on the basis of said caste certificate in the medical profession for

future prospects including admission for post graduation degree course or for any purpose whatsoever. He states that the petitioner would file required undertaking to that effect within two weeks from today. Mr. Mendadkar says that the said caste certificate is in possession of the scrutiny committee, who has invalidated it. But if it is not so, the petitioner would surrender the same to the scrutiny committee.

3. In view of the above peculiar facts of this case, the petition is disposed of as not pressed with direction to respondents 3 and 5 that the petitioner's admission in respondent 5 college is protected and she should be allowed to complete her M.B.B.S. Course. The petitioner, however, shall not be allowed to claim any benefit in the medical profession for future prospects on the basis of the said caste certificate. This would obviously include post graduation degree course. The petitioner will not claim benefit available to the scheduled tribes on the basis of the said caste certificate for any purpose whatsoever. Undertaking to the above effect will be filed in this court within two weeks from today. If the undertaking is not so filed, the petitioner's admission to the medical course shall stand cancelled.

[SMT. RANJANA DESAI, J.]

[D.B. BHOSALE, J.]